

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
FILED

JUL 31 2007

Michael N. Milby, Clerk
Laredo Division

UNITED STATES OF AMERICA

V.

JULIO CESAR PACHECO
CLARENCE HODGE, JR.
JOSE RODRIGO TORRES,
JERRY ZUNIGA, and
LUISA PACHECO
Defendants

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CRIMINAL NO. L-07-CR-957-S

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to the indictment:

1. Defendants **Julio Cesar Pacheco, Clarence Hodge, Jr., and Jose Rodrigo Torres**, were members of the Texas Army National Guard assigned to Operation Jumpstart in Laredo, Texas. Operation Jumpstart is a Federal program designed to provide support and assistance to United States Customs and Border Protection by assigning National Guard members to work with the United States Border Patrol agents along the Texas border. Defendants Julio Cesar Pacheco, Clarence Hodge, Jr. and Jose Rodrigo Torres were members of the Texas Military Forces, Laredo Sector Team, and assigned to work with Border Patrol at the IH-35 Border Patrol checkpoint located north of Laredo, Texas.

The IH-35 Border Patrol checkpoint has several traffic lanes where Border Patrol Agents conduct immigration inspections on all individuals traveling north. An additional service lane is located on the west side of the checkpoint where immigration inspections are not conducted.

2. **Julio Cesar Pacheco (“Pacheco”)**, defendant herein, was a Sergeant in the Texas National Guard assigned to Operation Jumpstart since June, 2006. **PACHECO** provided IH-35 Border Patrol checkpoint support by assisting in the dismantling and search of vehicles identified by Border Patrol agents as containing contraband or hidden humans. **PACHECO** also performed administrative duties at the Laredo North Border Patrol station.

3. **Clarence Hodge, Jr. (“Hodge”)**, defendant herein, was a Sergeant in the Texas National Guard assigned to Operation Jumpstart since June, 2006. **HODGE** provided IH-35 Border Patrol checkpoint support by assisting in the dismantling and search of vehicles identified by Border Patrol agents as containing contraband or hidden humans.

4. **Jose Rodrigo Torres (“Torres”)**, defendant herein, was a Private First Class in the Texas National Guard assigned to Operation Jumpstart since July, 2006. **TORRES** provided IH-35 Border Patrol checkpoint support by assisting in the dismantling and search of vehicles identified by Border Patrol agents as containing contraband or hidden humans.

5. **Jerry Zuniga and Luisa Pacheco**, defendants herein, resided at 4021 Totem Pole, Laredo, Texas. Luisa Pacheco is a sister of Julio Cesar Pacheco and is married to Jerry Zuniga.

COUNT ONE

Conspiracy to Transport Undocumented Aliens within the United States **Title 8, United States Code, Section 1324**

A. Introduction

5. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment.

B. The Conspiracy

6. From on or about May 1, 2007 through June 7, 2007, in the Southern District of Texas and elsewhere, and within the jurisdiction of the Court,

**JULIO CESAR PACHECO,
CLARENCE HODGE, JR., and
JOSE RODRIGO TORRES,
JERRY ZUNIGA, and
LUISA PACHECO**

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other, and with other persons known and unknown to the Grand Jury, to violate Title 8, United States Code, Section 1324, that is, to transport an alien who had come to, entered, or remained in the United States in violation of law, by means of a motor vehicle and for purposes of commercial advantage or private financial gain, in furtherance of such violation of law.

In violation of Title 8, United States Code, Sections 1324.

C. Manner and Means

It was part of the conspiracy that **Pacheco** would notify **Torres** that a group of aliens previously smuggled into Laredo, Texas was waiting to be picked up at 4021 Totem Pole Lane, Laredo, Texas and driven north past the IH-35 Border Patrol checkpoint. It was further part of the conspiracy that **Torres** would use the Texas Army National Guard leased van to transport aliens from 4021 Totem Pole Lane, Laredo, Texas through the IH-35 Border Patrol checkpoint.

It was further part of the conspiracy that **Torres** would avoid an immigration inspection by driving the van with concealed aliens through the service lane of the IH-35 checkpoint.

It was further part of the conspiracy that **Torres** would advise **Hodge** who was on duty at the IH-35 checkpoint when **Torres** was arriving at the IH-35 Border Patrol checkpoint.

It was further part of the conspiracy that **Torres** would stop in the service lane and speak with **Hodge** so as to appear that **Torres** was present at the IH-35 Border Patrol checkpoint on official business.

D. Overt Acts

In furtherance of this conspiracy, and to effect and accomplish the objects of the conspiracy, one or more of the defendants or conspirators, both indicted and unindicted, and other persons known and unknown to the Grand Jury, performed or caused the performance of certain overt acts in the Southern District of Texas and elsewhere, including, but not limited to the following:

1. On or about May 17, 2007, **Pacheco** contacted **Torres** and advised that a group of aliens were ready to be transported.
2. On or about May 17, 2007, **Torres** drove the Army National Guard leased van from the Laredo North Border Patrol station and followed **Pacheco** to 4021 Totem Pole Lane, Laredo, Texas where **Torres** placed approximately ten aliens in the van.
3. On or about May 17, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint where **Torres** provided **Hodge** with a meal.
4. On or about May 17, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.
5. On or about May 17, 2007, **Torres** drove the van through the service lane, exited the Border Patrol checkpoint, and proceeded north on IH-35.
6. On or about May 17, 2007, after **Torres** exited the Border Patrol checkpoint, **Pacheco** directed **Torres** via cellular text message to follow a black truck to the location where the aliens were to be dropped off.
7. On or about May 17, 2007, **Torres** drove the van to a residence in Cotulla where the aliens were dropped off.
8. On or about May 18, 2007, **Pacheco** contacted **Torres** and advised that a group of aliens were ready to be transported.
9. On or about May 18, 2007, **Torres** drove the Army National Guard leased van to 4021 Totem Pole Lane, Laredo, Texas where **Torres** placed a group of approximately ten aliens in the van.

10. On or about May 18, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint and spoke to **Hodge** before departing the checkpoint.
11. On or about May 18, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.
12. On or about May 18, 2007, **Torres** drove the van to a residence in Cotulla, Texas where the aliens were dropped off.
13. On or about May 19, 2007, **Pacheco** paid **Torres** a smuggling fee .
14. On or about May 23, 2007, **Pacheco** contacted **Torres** and advised that two groups of aliens were ready to be transported.
15. On or about May 23, 2007, **Torres** drove the Army National Guard leased van to 4021 Totem Pole Lane, Laredo, Texas where **Torres** placed a group of approximately fifteen aliens in the van.
16. On or about May 23, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint and provided **Hodge** with a meal before departing the checkpoint.
17. On or about May 23, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.
18. On or about May 23, 2007, **Torres** drove the van to a residence in Cotulla, Texas where the aliens were dropped off.
19. On or about May 23, 2007, **Torres** drove the van from Cotulla, Texas to 4021 Totem Pole Lane, Laredo, Texas where he placed a second group of approximately eight aliens in the van.
20. On or about May 23, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint where he spoke to **Hodge** before departing the checkpoint.
21. On or about May 23, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.
22. On or about May 23, 2007, **Torres** drove the van to a residence in Cotulla, Texas where the aliens were dropped off.
23. On or about May 24, 2007, **Torres** drove the Army National Guard leased van to 4021 Totem Pole Lane, Laredo, Texas where he placed a group of approximately twenty aliens in the van.
24. On or about May 24, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint where he spoke to **Hodge** before departing the checkpoint.

25. On or about May 24, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.
26. On or about May 24, 2007, **Torres** drove the van to a residence in Cotulla, Texas where the aliens were dropped off.
27. On or about May 24, 2007, **Torres** drove the van from Cotulla, Texas to 4021 Totem Pole Lane, Laredo, Texas where he placed a second group of approximately five aliens in the van.
28. On or about May 24, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint where he spoke to **Hodge** before departing the checkpoint.
29. On or about May 24, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.
30. On or about May 24, 2007, **Torres** drove the van to a Motel 6 in San Antonio, Texas where the aliens were dropped off.
31. On or about May 24, 2007, **Hodge** paid **Torres** his smuggling fee.
32. On or about June 1, 2007, **Pacheco** contacted **Torres** and advised that a group of aliens were ready to be transported.
33. On or about June 1, 2007, **Torres** drove the Army National Guard leased van to 4021 Totem Pole Lane, Laredo, Texas where he placed a group of approximately twenty aliens in the van.
34. On or about June 1, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint where he spoke to **Hodge** before departing the checkpoint.
35. On or about June 1, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.
36. On or about June 1, 2007, **Torres** drove the van to a Motel 6 in San Antonio, Texas where the aliens were dropped off.
37. On or about June 2, 2007, **Hodge** paid **Torres** his smuggling fee.
38. On or about June 7, 2007, **Pacheco** contacted **Torres** and advised that a group of aliens were ready to be transported.
39. On or about June 7, 2007, **Hodge** obtained the use and possession of the National Guard leased van.
40. On or about June 7, 2007, **Luisa Pacheco** harbored, sheltered, and concealed 24 aliens at her residence located at 4021 Totem Pole Lane, Laredo, Texas.

41. On or about June 7, 2007, **Torres** drove the van from the Laredo North Border Patrol Station to 4021 Totem Pole Lane, Laredo, Texas where he placed 24 aliens in the van.
42. On or about June 7, 2007, **Torres** drove the van to the service lane of the IH-35 Border Patrol checkpoint where he handed military gear to **Hodge** before departing the checkpoint.
43. On or about June 7, 2007, **Hodge** allowed **Torres** to proceed through the checkpoint without inspection.

In violation of Title 8, United States Code, Sections 1324 (1)(A)(ii) and (1)(A)(v)(I).

COUNT TWO

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JULIO CESAR PACHECO,
CLARENCE HODGE, JR., and
JOSE RODRIGO TORRES**

knowing and in reckless disregard of the fact that **Martha Nidia Carrillo** was an alien who had come to, entered, and remained in the United States in violation of law, did transport and move such alien, for purposes of commercial advantage or private financial gain, in furtherance of such violation of law, within the United States by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(ii) and (v)(II).

COUNT THREE

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JULIO CESAR PACHECO,
CLARENCE HODGE, JR., and
JOSE RODRIGO TORRES**

knowing and in reckless disregard of the fact that **Ruth Marlen Lopez-Carrillo** was an alien who had come to, entered, and remained in the United States in violation of law, did transport and move

such alien, for purposes of commercial advantage or private financial gain, in furtherance of such violation of law, within the United States by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(ii) and (v)(II).

COUNT FOUR

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JULIO CESAR PACHECO,
CLARENCE HODGE, JR., and
JOSE RODRIGO TORRES**

knowing and in reckless disregard of the fact that **Carina Delgadillo** was an alien who had come to, entered, and remained in the United States in violation of law, did transport and move such alien, for purposes of commercial advantage or private financial gain, in furtherance of such violation of law, within the United States by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(ii) and (v)(II).

COUNT FIVE

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JULIO CESAR PACHECO,
CLARENCE HODGE, JR., and
JOSE RODRIGO TORRES**

knowing and in reckless disregard of the fact that **Carmen Palomo-Castillo** was an alien who had come to, entered, and remained in the United States in violation of law, did transport and move such

alien, for purposes of commercial advantage or private financial gain, in furtherance of such violation of law, within the United States by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(ii) and (v)(II).

COUNT SIX

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JULIO CESAR PACHECO,
CLARENCE HODGE, JR., and
JOSE RODRIGO TORRES**

knowing and in reckless disregard of the fact that **Porfirio Lopez-Mancilla** was an alien who had come to, entered, and remained in the United States in violation of law, did transport and move such alien, for purposes of commercial advantage or private financial gain, in furtherance of such violation of law, within the United States by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(ii) and (v)(II).

COUNT SEVEN

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JERRY ZUNIGA and
LUISA PACHECO**

knowing and in reckless disregard of the fact that **Martha Nidia Carrillo** was an alien who had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection such alien in a building, to wit: a residence located at 4021 Totem Pole Lane, Laredo, Texas, for the purpose of commercial advantage or private financial gain.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(iii) and (v)(II).

COUNT EIGHT

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JERRY ZUNIGA and
LUISA PACHECO**

knowing and in reckless disregard of the fact that **Porfirio Lopez-Mancilla** was an alien who had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection such alien in a building, to wit: a residence located at 4021 Totem Pole Lane, Laredo, Texas, for the purpose of commercial advantage or private financial gain.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(iii) and (v)(II).

COUNT NINE

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JERRY ZUNIGA and
LUISA PACHECO**

knowing and in reckless disregard of the fact that **Carmen Palomo-Castillo** was an alien who had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection such alien in a building, to wit: a residence located at 4021 Totem Pole Lane, Laredo, Texas, for the purpose of commercial advantage or private financial gain.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(iii) and (v)(II).

COUNT TEN

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JERRY ZUNIGA and
LUISA PACHECO**

knowing and in reckless disregard of the fact that **Ruth Marlen Lopez-Carrillo** was an alien who had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection such alien in a building, to wit: a residence located at 4021 Totem Pole Lane, Laredo, Texas, for the purpose of commercial advantage or private financial gain.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(iii) and (v)(II).

COUNT ELEVEN

On or about June 7, 2007 in the Southern District of Texas and within the jurisdiction of the Court, **Defendants,**

**JERRY ZUNIGA and
LUISA PACHECO**

knowing and in reckless disregard of the fact that **Carina Delgadillo** was an alien who had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection such alien in a building, to wit: a residence located at 4021 Totem Pole Lane, Laredo, Texas, for the purpose of commercial advantage or private financial gain.

In violation of Title 8, United States Code, Sections 1324 (a)(1)(A)(iii) and (v)(II).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

DONALD J. DeGABRIELLE, JR.
United States Attorney



MARY ELLEN SMYTH
Assistant United States Attorney

GPK